

STATE OF RHODE ISLAND  
KENT, SC

SUPERIOR COURT

JUDITH ROSE

VS.

C.A. NO.: KC-2021-

CARRABBA'S ITALIAN GRILL, LLC

### **COMPLAINT**

#### **PARTIES AND JURISDICTION**

1. The plaintiff, Judith Rose, is an individual residing in Warwick, Kent County, Rhode Island.
2. The defendant, Carrabba's Italian Grill, LLC, is a duly organized corporation with its principal place of business located at 2202 N. Westshore Boulevard, 5<sup>th</sup> Floor, in Tampa, Hillsborough County, Florida.
3. Service may be made upon the defendant, Carrabba's Italian Grill, LLC, through its Resident Agent, Corporate Creations Network, Inc., located at 10 Dorrance Street, Suite 700, in Providence, Providence County, Rhode Island.

#### **JURISDICTION**

4. The amount in controversy is sufficient to establish this Court's jurisdiction over this action.

#### **VENUE**

5. Kent County is the appropriate venue for this action.

### **RELEVANT FACTS**

6. On or about February 16, 2018, the defendant, Carrabba's Italian Grill, LLC, was the owner and operator of the Carrabba's Italian Grill restaurant ("restaurant") located at 1350 Bald Hill Road in Warwick, Kent County, Rhode Island.
7. At all relevant times, the defendant, Carrabba's Italian Grill, LLC, had an interest in and/or a duty and obligation to properly maintain the premises and was responsible for maintaining a safe environment on the premises of the restaurant.
8. On or about February 16, 2018, the plaintiff, Judith Rose, was lawfully on the premises of the restaurant.
9. At all relevant times, the plaintiff, Judith Rose, was in the exercise of due care.
10. On or about February 16, 2018, the defendant, Carrabba's Italian Grill, LLC, allowed an accumulation of ice to remain on the ground at the entrance to the restaurant.
11. The defendant, Carrabba's Italian Grill, LLC, knew, or in the exercise of due care should have known, that there was an accumulation of ice on the ground at the entrance to the restaurant that was creating an unreasonably dangerous and unsafe condition.

### **COUNT I**

#### **(Negligence –Carrabba's Italian Grill, LLC)**

12. The plaintiff, Judith Rose, restates and incorporates by reference the allegations contained in paragraphs one (1) through eleven (11) as if set forth here in their entirety.
13. The defendant, Carrabba's Italian Grill, LLC, negligently maintained, inspected, and monitored the premises, allowing an accumulation of ice to remain on the ground at

the entrance to the restaurant, thereby creating an unreasonably dangerous and unsafe condition.

14. As a direct and proximate result of the negligence of the defendant, Carrabba's Italian Grill, LLC, the plaintiff, Judith Rose, was caused to slip and fall.

15. As a direct and proximate result of the negligence of the defendant, Carrabba's Italian Grill, LLC, the plaintiff, Judith Rose, has suffered and will continue to suffer great pain of body and anguish of mind; her ability to perform her usual activities has been restricted; her health has been impaired; she has been required to spend sums of money for her continued medical care and treatment; and her ability to enjoy a normal life has been adversely affected.

WHEREFORE, the plaintiff, Judith Rose, requests that judgment be entered against the defendant, Carrabba's Italian Grill, LLC, in a monetary amount sufficient to satisfy the jurisdiction of the Superior Court, plus interest and costs.

## **COUNT II**

### **(Failure to Warn – Carrabba's Italian Grill, LLC)**

16. The plaintiff, Judith Rose, restates, and incorporates by reference the allegations contained in paragraphs one (1) through eleven (11) as if set forth here in their entirety.

17. The defendant, Carrabba's Italian Grill, LLC, negligently failed to provide adequate warnings to the plaintiff, Judith Rose, that there was an accumulation of ice on the ground at the entrance to the restaurant that was creating an unreasonably dangerous and unsafe condition.

18. As a direct and proximate result of the negligence of the defendant, Carrabba's Italian Grill, LLC, the plaintiff, Judith Rose, was caused to slip and fall.
19. As a direct and proximate result of the negligence of the defendant, Carrabba's Italian Grill, LLC, the plaintiff, Judith Rose, has suffered and will continue to suffer great pain of body and anguish of mind; her ability to perform her usual activities has been restricted; her health has been impaired; she has been required to spend sums of money for her continued medical care and treatment; and her ability to enjoy a normal life has been adversely affected.

WHEREFORE, the plaintiff, Judith Rose, requests that judgment be entered against the defendant, Carrabba's Italian Grill, LLC, in a monetary amount sufficient to satisfy the jurisdiction of the Superior Court, plus interest and costs.

**PLAINTIFF HEREBY DEMANDS A TRIAL BY JURY.**

Plaintiff, Judith Rose,  
By her attorney,

*/s/ Benjamin A. Pushner*

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Dated: